

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,

Plaintiff(s),

v.

SHAWN P. LAMPMAN,

Defendant(s).

Case No.2:13-CR-137 JCM (CWH)

ORDER

Presently before the court is nonparty Hanna Instruments, Inc.'s application for access to the defendant's presentence report (PSR) and supporting documents. (ECF No. 60). The government filed a response raising no objections. (ECF No. 61).

The defendant in this case, Shawn Lampman, pleaded guilty in 2014 to a willful failure to file tax return in violation of 26 U.S.C. § 7203. The court sentenced Lampman to ten months' custody in 2015.

Nonparty Hanna Instruments, Inc. is now involved in separate litigation concerning Lampman's death and the alleged cause. Hanna seeks from the court the disclosure of the PSR and relevant medical records that it argues are central to the claims being litigated with Lampman's estate.

A. Application for the PSR and accompanying documents

Presentence reports and supporting documents are confidential to the court and parties. LCR 32-2(a). However, district courts may disclose such documents to third parties upon the filing of an application that describes the purposes for which the information is sought. LCR 32-2(c).

Requests for access to presentence reports and supporting documents should be evaluated

1 on a case-by-case basis, and the court should weigh the need for disclosure against the reasons for
2 maintaining confidentiality. *United States v. Schlette*, 842 F.2d 1574 (9th Cir. 1988). Privacy
3 concerns weigh against disclosure, but “[p]rivacy interests are personal to the defendant and do
4 not survive his death.” *Id.*, at 1581.

5 Hanna presents compelling reasons to grant its application. Hanna is defendant to an action
6 which involves claims concerning Lampman’s cause of death. Hanna seeks disclosure of the PSR
7 and related documents for purposes of establishing Lampman’s preexisting conditions and medical
8 history, which invariably relate to the litigation.

9 The primary consideration for the court “is the degree to which the information in the [PSR]
10 can be obtained from other sources. *Id.*, at 1584. Hanna has established it cannot reasonably
11 obtain the information from other sources. It subpoenaed Lampman’s medical provider, who no
12 longer possesses the relevant documents, and has failed, despite efforts, to obtain any further
13 information from Lampman’s estate or children.

14 The court finds Hanna has shown it has a compelling need for Lampman’s PSR and has no
15 reasonable way of obtaining the information otherwise. Accordingly, the court GRANTS the
16 application as to Shawn Lampman’s presentence investigation report, and the supporting
17 documents at ECF No. 41. The court finds the supplemental documents at ECF No. 46 pertain
18 solely to Lampman’s underlying tax claim—not to Lampman’s medical information—and thus
19 denies Hanna access to those documents on that basis.

20 A. Motion to seal

21 Also before the court is Hanna Instrument Inc.’s motion to seal the application. (ECF No.
22 60). Compelling reasons exist to grant the motion to seal as the need to keep the information in
23 the motion sealed outweighs the public’s interest in disclosure and access to court records. *See*
24 *Kamakana v. City and Cnty. of Honolulu*, 447 F.3d 1172, 1178–79 (9th Cir. 2006) (explaining that
25 courts must balance the competing interests “of the public and the party who seeks to keep certain
26 judicial records secret”).

27 Accordingly,

28 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that Hanna Instrument, Inc.’s

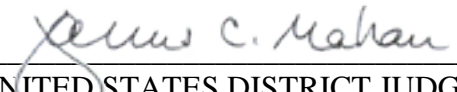
1 motion application for the presentence investigation report (ECF No. 60) be, and the same hereby
2 is, GRANTED.

3 The clerk of court is instructed to provide interested party Hanna Instruments, Inc. access
4 to ECF No. 41 within 7 days of this order. The U.S. Probation Office is instructed to provide
5 interested party Hanna Instruments, Inc. a copy of defendant Shawn Lampman's presentence
6 investigation report within 7 days of this order.

7 IT IS FURTHER ORDERED that Hanna Instrument, Inc.'s motion to seal (ECF No. 59)
8 be, and the same hereby is, GRANTED. The clerk of court is instructed to maintain ECF No. 60
9 under seal.

10 IT IS FURTHER ORDERED that Hanna Instrument, Inc.'s ex parte motion application
11 (ECF No. 57). is DENIED as moot.

12 DATED June 6, 2025.

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16 UNITED STATES DISTRICT JUDGE
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